

Appl. No.: 10/812,748

Response dated 07/20/2005

Reply to Office action of: 06/21/2005

REMARKS / ARGUMENTS

According to the office action of June 21, 2005, claims 1-31 are generic to a plurality of patentably distinct actuator species comprising:

Species A directed at Figures 5-6 and

Species B directed at Figures 7-8.

The office action requires the election of a single disclosed species even though the requirement is traversed.

The applicants respectfully request reconsideration of the requirement to elect a single species. If two or more independent and distinct inventions are claimed in one application the Director may require that the application be restricted to a single invention (35 U.S.C. 121). However, more than one species of an invention, not to exceed a reasonable number, may be claimed in different claims of an application provided the application contains a claim generic to all of the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all of the limitations of the generic claim (37 CFR 1.141). The office action does not identify a claim that is not generic to both of the species identified in the office action and the applicants submit that when only generic claims are presented, no restriction can be required except in those applications where the generic claims recite such a multiplicity of species that an unduly expensive and burdensome search is necessary (MPEP 809.02(d)). However, the applicants respectfully submit that the office action identifies only two species and, therefore, the burden and expense of a search is not the result of disclosure an unreasonably large number of species. While the applicants respectfully request reconsideration of the requirement for restriction, the applicants provisionally elect, as required by the office action, the devices identified in the office action as Species B (FIGS. 7-8).

In addition, the office action requires the applicants to elect a single subspecies of the hydraulic systems identified as:

Species I directed at FIG. 10, and

Species II directed at FIG. 12

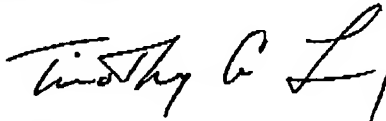
While the applicants submit that there are no claims to either subspecies and request reconsideration of the requirement for election, the applicants provisionally elect, as required by

Appl. No.: 10/812,748
Response dated 07/20/2005
Reply to Office action of: 06/21/2005

the office action, Species I directed to FIG. 10.

The applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes that for any reason direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,
Chernoff, Vilhauer, McClung & Stenzel, L.L.P.
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204

By: 

Timothy A. Long

Reg. No. 28,876

Telephone No. (503) 227-5631

FAX No. (503) 228-4373